

REMARKS

Claims 52-113 are in the application.

Claims 52-113 were rejected under 35 U.S.C. 112, first paragraph. Independent claims 52, 72, and 92 from which the other claims depend have been amended herein. It is respectfully submitted that independent claims 52, 72, and 92 as presented herein are believed to satisfy 35 U.S.C. 112 first paragraph. In support thereof, and as an example, reference is made to Fig. 11 and lines 13-19 of page 29 of the present application. Reference is also made to lines 12-17 of page 15, line 20 of page 28 to line 4 of page 29, lines 1-4 of page 33, and line 16 of page 35 to line 1 of page 36 of the present application. Accordingly, it is requested that the 112 first paragraph rejection be withdrawn.

Claims 52-113 were rejected under 35 U.S.C. 112, second paragraph. In explaining this rejection, the Examiner states that the phrase “a number of quantization characteristics” is unclear and indefinite. Applicants respectfully submit that such phrase is not indefinite and request that if the Examiner still maintains his position that he specifically describe why such phrase is “unclear and indefinite.”

Claims 52, 53, 54, 55, 59, 60, 62, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 80, 82, 84, 86, 87, 88, 89, 92, 93, 94, 95, 96, 99, 100, 102, 104, 106, 107, 108, 109, 110, 111, 112, and 113 were rejected under 35 U.S.C. 102(b) as being anticipated by Ericsson (U.S. Patent No. 4,849,810).

Amended independent claim 52 recites in part the following:

“means for determining a number of quantization characteristics pertaining to a quantization value of low hierarchy data being a resolution higher than that of upper hierarchy data being a low resolution based on information pertaining to said upper hierarchy data without utilizing any information pertaining to said low hierarchy data, in which the quantization characteristics of the low hierarchy data are different from the quantization characteristics of the upper hierarchy data...”
(Emphasis added.)

It is respectfully submitted that Ericsson as applied by the Examiner (hereinafter, merely “Ericsson”) does not disclose the above features of claim 52. As an example, in explaining the above rejection, the Examiner appears to assert that Ericsson and, in particular, lines 22-58 of column 12 and line 18 of column 14 to line 47 of column 15 thereof, disclose “means for determining ... pertaining to quantization value (step size) of low hierarchy data ... based only [on] said upper hierarchy.” (See section 11, lines 6-10 of the present office action.) It is respectfully submitted that such portions of Ericsson (hereinafter, merely “Ericsson”) do not disclose the above feature of claim 52. In fact, lines 31-32 of column 14 of Ericsson specifically states “[t]he image differences over line 514 are quantized by a scalar quantizer 516 having a **fixed** step size.” (Emphasis ours.) Accordingly, it is believed that claim 52 is distinguishable from Ericsson. For somewhat similar reasons, it is also believed that independent claims 72 and 92 are distinguishable from Ericsson. Claims 53-71, 73-91 and 93-113 are dependent from one of the amended independent claims and due to such dependency, are believed to be distinguishable from Ericsson for at least the reasons previously described.

Claims 56, 57, 58, 61, 63, 65, 76, 77, 78, 81, 83, 85, 96, 97, 98, 101, 103, and 105

were rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson in view of Asamura et al. (Asamura) (U.S. Patent No. 5,442,399).

Claims 56-58, 61, 63, 65, 76-78, 81, 83, 85, 96-98, 101, 103 and 105 depend from one of the independent claims and, due to such dependency, are also believed to be distinguishable from Ericsson for at least the reasons previously described. The Examiner apparently does not rely on Asamura to overcome the above-described deficiencies of Ericsson. Accordingly, it is believed that claims 56-58, 61, 63, 65, 76-78, 81, 83, 85, 96-98, 101, 103 and 105 are distinguishable over the applied combination of Ericsson and Asamura.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

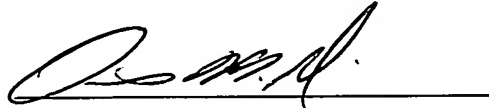
In view of the foregoing, entry of this amendment and these remarks and withdrawal of the rejection of claims 52-113 and the allowance of this application with claims 52-113 are respectfully requested.

PATENT
450108-3249.3

Please charge any fees incurred by reason of this response and not paid herewith
to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Dennis M. Smid", is written over a horizontal line.

Dennis M. Smid
Reg. No. 34,930
(212) 588-0800